

**REMARKS**

Claims 3-12 are pending and stand rejected under 35 U.S.C. § 103(a) over Hutchison, IV, U.S. Patent No. 6,449,476 in view of Hoffman, U.S. Patent No. 6,622,017, in further view of Iizuka, U.S. Patent No. 5,933,595.

In paragraph 1 of the Office Action, the Examiner states that the finality of the prior Office Action has been withdrawn. Applicant thanks the Examiner for the kind consideration given to Applicant's prior response.

In paragraph 2 of the Office Action, claims 3-12 are rejected under § 103 over Hutchison in view of Hoffman and in further view of Iizuka. Applicant respectfully traverses the above rejections. Reconsideration is respectfully requested.

The Office Action acknowledges that Hutchison, Hoffman and the combination thereof do not show or suggest "copying the software features into the volatile memory to create a backup software to be stored in the read only memory." (Office Action at p. 3.) To cure the deficiencies of Hutchison and Hoffman, the Office Action cites Iizuka.

The portion of Iizuka cited by the Office Action shows that data on an external RAM card can be transferred to a computer's internal RAM, and subsequently transferred to internal ROM. However, the cited portion of Iizuka appears in its Background of the Invention. The remainder of Iizuka explicitly teaches away from the cited portion. Iizuka teaches *directly* transferring the data from the external RAM to the internal ROM, bypassing the internal RAM. In the Summary of Invention, Iizuka states that:

[A]ccording to the invention, when the nonvolatile memory element is attached to the connecting member . . . the controlling means erases the contents in the rewritable nonvolatile memory and *directly transfers* the execution program stored in the nonvolatile memory element to the rewritable nonvolatile memory. . . . Since it is *unnecessary* to temporarily store the program written to the nonvolatile memory element in a memory such as a RAM, the nonvolatile memory may efficiently be rewritten.

(Column 4, lines 30-50, emphasis added.) In other words, Iizuka teaches that *no* patch at all is to be stored to internal RAM, much less a backup patch, because the patch is transferred directly from the external RAM to the ROM. This teaching of Iizuka is in direct contrast to the explicit limitations of independent claims 3, 8 and 9 which require “copying the patch into the volatile memory to create a backup patch.”

Thus, a *prima facie* case of obviousness has not been made out because there is no suggestion or motivation in the cited references to combine the references. M.P.E.P. § 2143. If anything, the cited art teaches away from a motivation to combine. In view of the above, withdrawal of the rejections of claims 3, 8 and 9, and the dependent claims thereon, is thus respectfully requested.

In addition, Applicant respectfully requests that the Examiner consider and initial the IDS submitted Aug. 19, 2004, a copy of which is enclosed for the Examiner’s convenience.

Applicant has shown that pending claims 3-12 are patentable under § 103 over the cited art. In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance and such action is earnestly solicited.

Dated: December 23, 2004

Respectfully submitted,

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